



4310-DQ-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L12200000. MA0000/LLUTY00000]

Notice of Proposed Supplementary Rules for Public Lands Managed by the Moab and Monticello Field Offices in Grand and San Juan Counties, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Proposed Supplementary Rules.

SUMMARY: In accordance with the Records of Decision (ROD) for the Moab and Monticello Field Office Approved Resource Management Plans (RMP) and associated Environmental Impact Statements (EIS), the Bureau of Land Management (BLM) is proposing supplementary rules and requesting comments. The proposed rules address conduct on BLM public land in Grand County and San Juan County, Utah. The conduct addressed includes the operation of motorized or mechanized vehicles, camping and campfires, firewood and petrified wood collection, and the use of glass containers.

DATES: Comments on the proposed supplementary rules must be received or postmarked by [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] to be assured of consideration.

ADDRESSES: Comments may be submitted by mail, hand delivery, or email to the BLM Canyon Country District Office, Attention: Jason Moore, 82 East Dogwood Avenue, Moab, UT 84532, or jdmoore@blm.gov. The proposed supplementary rules and approved RMPs are available for inspection at the BLM Moab Field Office, located at 82 East Dogwood Avenue, Moab, UT; the BLM Monticello Field Office, located at 435

North Main Street, Monticello, UT; and, on the BLM Moab and Monticello Field Office websites: <http://www.blm.gov/ut/st/en/fo/moab.html> and

<http://www.blm.gov/ut/st/en/fo/monticello.html>.

FOR FURTHER INFORMATION CONTACT: Jason Moore, Supervisory Staff Law Enforcement Ranger, 82 East Dogwood Avenue, Moab, UT 84532, 435-259-2109, or jdmoores@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to leave a message or question with the above individual. The FIRS is available 24 hours a day, 7 days a week. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

- I. Public Comment Procedures
- II. Background
- III. Discussion
- IV. Procedural Matters
- V. Proposed Supplementary Rules for the BLM Moab Field Office and the Monticello Field Office

I. Public Comment Procedures

Written comments on the proposed supplementary rules must be sent in accordance with the information outlined in the “DATES” and “ADDRESSES” sections of this notice.

The BLM is not obligated to consider comments that are received after the close of the comment period (see “DATES”), unless they are postmarked or electronically dated before the deadline; or if the comments are delivered to an address other than that listed above in “ADDRESSES.” Comments should be specific, confined to issues pertinent to

the proposed supplementary rules, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the rule that the comment is addressing.

Comments, including names, addresses, and other contact information of respondents, will be available for public review at the BLM Moab Field Office, 82 East Dogwood Avenue, Moab, UT 84532, during regular business hours (7:45 a.m. - 4:30 p.m., Monday through Friday, except Federal holidays). Before including an address, telephone number, email address, or other personal identifying information in your comment, be aware that the entire comment, including personal identifying information, may be made publicly available at any time. While you can ask in your comment to withhold personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

In 2008, the BLM finalized RMPs for the Moab and Monticello Field Offices. During the public planning and EIS processes, the BLM identified the need to establish supplementary rules to provide for visitor health and safety, and to protect the cultural and natural resources on the BLM Moab and Monticello Field Office lands.

The BLM has recorded significant increases in visitation numbers and resulting pressures on recreation areas and archaeological sites in the Moab and Monticello areas.

Therefore, the BLM has determined that these proposed rules are necessary to protect visitor health and safety, prevent natural and cultural resource degradation, and promote high-quality outdoor recreation opportunities. Some of the proposed rules would apply to the entire field office areas, while others would apply only to specific geographic areas

experiencing the most intense visitation pressures. The proposed rules only address land use limitations and restrictions that were previously proposed, analyzed, and approved as part of the public planning processes for the Moab and Monticello RMPs and associated EISs.

Several of the proposed rules are necessary for all BLM Moab and Monticello Field Office areas, and others are only appropriate for specific BLM lands such as canyons and recreation areas that experience the most intense visitation. The geographic applicability of each rule is addressed in sections III and V of this notice.

The BLM took the following steps to involve the public in developing the plans which are the basis for the proposed rules:

- 1) The BLM held five scoping meetings for the Moab and Monticello Field Offices between October 14 and November 13, 2003, in the planning area. A formal scoping period was held between June 6, 2003, and January 31, 2004. The BLM also engaged in Tribal consultation during the planning process.
- 2) The Draft RMP/EIS, which included recommendations for published closures, limitations, restrictions, and special rules, was available for a 90-day public comment period. Moab's Draft RMP/EIS was available from August 24, 2007, to November 30, 2007. Four public meetings were held on the Draft RMP beginning September 25, 2007. Monticello's Draft RMP/EIS was available for public review and comment from November 2, 2007, through February 8, 2008. Five public meetings were held on the Draft RMP beginning in January 2008.
- 3) The BLM released the Proposed RMPs and Final EISs, which included recommendations for published closures, limitations, restrictions, and special rules on

August 1, 2008 (Moab), and on September 5, 2008 (Monticello), for a 30-day protest period.

4) The BLM summarized all public comments and addressed them in the Final EISs published August 1, 2008 (Moab), and September 5, 2008 (Monticello).

III. Discussion

The BLM Moab Field Office

The BLM Moab Field Office's jurisdiction is bound by the Grand County line to the north, the Utah-Colorado State line to the east, Harts Draw and Lisbon Valley to the south, and the Green River to the west. The public lands managed by the BLM Moab Field Office are domestic and international tourist destinations and since 1999, annual visitation has increased by over 500,000 to 1.8 million visitors per year.

The proposed supplementary rules are critical to provide for public health and safety and protect natural and cultural resources on public lands experiencing high levels of sustained and concentrated visitor use. For over 20 years, supplementary rules have been in place for several specific locations with high visitor use in the BLM Moab Field Office. See 57 FR 33005 (July 24, 1992), 58 FR 17424 (April 2, 1993), and 61 FR 60724 (Nov. 29, 1996). Those rules have been effective in providing for visitor health and safety, and protecting cultural and natural resources in the specified locations. The proposed rules in this notice would not replace existing rules. The proposed rules would supplement existing rules by providing protection to additional high visitation areas and to the entire Moab Field Office area.

The proposed rules regarding camping, campfires, human waste, and wood gathering (Moab rules 7, 8, 9 and 10) would cover areas that receive an estimated 90 percent of the

1.8 million visitors to the Moab Field Office. The restrictions are directly related to the degradation of natural resources, health and safety issues posed by the presence of human waste, and the overuse of undeveloped camping areas where no facilities exist to mitigate visitor impacts.

All of the locations listed for camping restrictions were also specifically listed in the 2008 Moab RMP/EIS. In the majority of the areas affected by camping restrictions, the BLM offers existing campgrounds with toilet facilities and trash disposal, thus ensuring the public's ability to camp on these BLM lands. Public lands that do not receive intense visitation and are not listed in this notice and the 2008 RMP/EIS would not be affected by the proposed camping rules.

The reasoning for each rule is addressed below.

1. Proposed rule: You must not burn wood pallets.

Wood pallets are the wood frame structures typically used in shipping operations. Burning wood pallets is hazardous to visitors, BLM personnel, wildlife, and livestock that use the public lands because they contain many nails that remain behind after the pallets are burned. These nails can cause physical injury to people and animals, and property damage to vehicles. By prohibiting the burning of wood pallets, the BLM would be better able to ensure the safety of people and animals, and limit property damage. This rule would apply to all lands managed by the Moab Field Office because the hazards are the same regardless of where the pallets are burned.

2. Proposed rule: You must not camp in archaeological sites.

Camping activities destroy fragile archaeological resources and cause irreparable damage. Although visitors may not intentionally harm archaeological sites when they camp, several activities associated with camping may cause inadvertent damage. For example, campfires can destroy and/or contaminate the archaeological record, which is important to our scientific and historical understanding of archaeological resources. Also, inadvertent trampling from foot traffic and camping shelters causes movement of artifacts and site features. Camping in sites also increases the risk of illegal artifact collection. Finally, food preparation often results in food scraps being left behind on the ground, and this attracts animals that dig in and damage the site. This rule would apply to all lands managed by the Moab Field Office because of the high density of archaeological sites across the entire region. The definition of archaeological site is found in the “Definitions” section.

3. Proposed rule: You must not camp in historic sites posted as closed to camping.

If these proposed rules are finalized, historic sites that are important to the historical record and local and national heritage would be posted as closed to camping. Sites that are included or eligible for inclusion in the National Register of Historical Places would be covered under this rule. Camping would be prohibited in posted sites because camping activities can destroy fragile historical resources and may cause irreparable damage. Although visitors may not intentionally harm historical sites when they camp, several activities associated with camping cause inadvertent damage. For example, campfires can destroy and/or contaminate the historical record, which is important to our understanding

of historical resources. Also, inadvertent trampling from foot traffic and camping shelters causes movement of structures and site features.

4. Proposed rule: You must not operate a motorized or mechanized vehicle on any route, trail, or area not designated as open to such use by a BLM sign or map.

Mechanized and motorized travel across sensitive desert landscapes and off of established routes can damage scenic, cultural, soil, vegetation, and wildlife habitat resources. The proposed rule would limit these modes of travel to designated routes in order to prevent the degradation of the public land resources that draw people to the area. The proliferation of user-created routes also contributes to confusion among visitors as to their location and this has contributed to an increased demand on search and rescue resources. This rule would apply to all lands managed by the Moab Field Office because the resources at risk of damage from vehicles are present across the entire region.

5. Proposed rule: You must not gather petrified wood.

In the Moab area, there are two BLM Special Recreation Management Areas (SRMA) where petrified wood can be found exposed on the ground. As a result, the SRMAs experience heavy visitation and the petrified wood is collected and removed from the public land. In order to preserve this resource for future public viewing, the collection of petrified wood would be prohibited. This potential restriction was analyzed in the 2008 Moab RMP/EIS. The two SRMAs that would be affected by this rule are the Colorado Riverway SRMA and the Labyrinth Rim/Gemini Bridges SRMA.

6. Proposed rule: You must not possess or use glass beverage containers.

Broken glass poses a health and safety hazard to visitors and property, especially in areas where children and adults are likely to go barefoot. This proposed rule would only apply to two specific areas where the health and safety risks are greatest: the Sand Hill area near the entrance of Arches National Park, where visitors can be easily harmed by broken glass hidden in the sand; and at the Powerhouse/Mill Creek area, a rare swimming hole near the city of Moab, where visitors can be easily harmed by broken glass in the stream bed. Broken glass has been a problem at these two locations and this rule would help safeguard the public. The geographic descriptions of these locations are listed in the “Proposed Supplementary Rules” section.

7. Proposed rule: You must not camp at a non-designated site.

This proposed rule would only apply to specific geographic areas where dispersed camping is degrading natural, visual, and wildlife resources, and causing risks to human health. The affected areas, which are enumerated in the Proposed Supplementary Rules section, reflect the recreation management decision (REC-6) in the 2008 Moab RMP to limit dispersed camping as visitation impacts and environmental conditions warrant. Therefore, by regulating campsites along the scenic highways and byways, the BLM would be better able to preserve the viewshed for those travelling along the road. Also, dispersed camping is negatively affecting crucial Desert Bighorn Sheep lambing areas shown in map 9 of the Moab RMP. In addition, the presence of campers without the benefit of toilet facilities devalues adjacent private property and poses a health threat to domestic water wells in Spanish Valley and Castle Valley. All the geographic

locations affected by this proposed rule are listed in the “Proposed Supplementary Rules” section.

8. Proposed rule: You must not ignite or maintain a campfire at a non-designated site.

Campfires made without a metal fire ring create an increased risk of wildfire and resulting damage to natural and cultural resources, and threats to public safety. In addition, non-designated campfire rings, ashes, and associated garbage that are often left behind at campfire sites have a negative visual impact on the area.

Finally, the presence of non-designated campfire rings encourages repeated illegal camping. The areas affected by this rule receive the most intense visitation and so the risks posed by campfires are amplified in these areas. All the geographic locations affected by this proposed rule are enumerated in the “Proposed Supplementary Rules” section.

9. Proposed rule: You must not dispose of human waste in any other container than a portable toilet.

Exposure to human waste is a health risk to the public and BLM personnel. The continuous deposition of human waste on or just beneath the surface of the ground—which is largely sand and bare rock in the Moab region—is a risk that is not naturally mitigated. Therefore, in the high visitation areas, these risks are amplified so they must be mitigated by limiting the methods of disposal. This rule would apply to the enumerated areas because they experience the highest levels of visitation and, in the case of the Areas of Critical Environmental Concern (ACEC) and Desert Bighorn Sheep lambing areas, the lands are

especially sensitive to human impacts. All geographic locations affected by this proposed rule are listed in the “Proposed Supplementary Rules” section.

10. Proposed rule: You must not gather wood.

Wood gathering depletes an already limited supply of wood that is not readily replaced in the desert environment. As with camping, campfires, and human waste, the areas that this rule would apply to are at a greater risk of resource damage and depletion due to high visitation. In order to ensure that future visitors can enjoy the visual resources, and the sensitive desert ecology is protected, wood gathering in the enumerated areas would be prohibited. All geographic locations affected by this proposed rule are listed in the Proposed Supplementary Rules section.

The BLM Monticello Field Office

The BLM Monticello Field Office’s jurisdiction is bound by Harts Draw and Lisbon Valley to the north, the Utah-Colorado State line to the east, the Navajo Indian Reservation and Utah-Arizona State line to the south, and Canyonlands National Park and the Glen Canyon National Recreation Area to the west. A number of archaeological and historical resources are located on the public lands throughout the BLM Monticello Field Office.

The BLM Monticello Field Office’s proposed supplementary rules are integral in protecting natural and cultural resources. The Office currently enforces supplementary rules that have been effective in protecting resources in the Indian Creek area. See 63 FR 110 (Jan. 2, 1998). The proposed rules in this notice would not replace existing rules. The proposed rules would supplement existing rules and provide protection to

archaeological sites. Each of the proposed rules was analyzed in the 2008 Monticello RMP and accompanying EIS.

The reasoning for each rule is addressed below.

1. Proposed rule: You must not camp in archaeological sites.

Camping activities destroy fragile archaeological resources and cause irreparable damage. Although visitors may not intentionally harm archaeological sites when they camp, several activities associated with camping cause inadvertent damage. For example, campfires can destroy and/or contaminate the archaeological record, which is important to our scientific and historical understanding of cultural resources. Also, inadvertent trampling from foot traffic and camping shelters causes movement of artifacts and site features. Camping in sites also increases the risk of illegal artifact collection. Finally, food preparation often results in food scraps being left behind on the ground and this attracts animals that dig in and damage the site. This rule would apply to all lands managed by the Monticello Field Office because of the high density of archaeological sites across the entire region. The definition of archaeological site is found in the “Definitions” section.

2. Proposed rule: You must not enter archaeological sites designated as closed to the public.

Individual archaeological sites are closed on a case-by-case basis due to degradation from increased visitation. Closing these sites to the general public protects them for future generations and our national heritage, and also ensures the integrity of the site for further scientific study. These sites may still be

enjoyed from outside the barriers but due to the degradation and their fragile nature, further public visitation would cause irreparable damage. This rule would apply to all lands managed by the Monticello Field Office because of the high density of archaeological sites across the entire region. A more thorough definition of archaeological site is found in the “Definitions” section.

3. Proposed rule: You must not use ropes or other climbing aids to access archaeological sites.

The use of ropes or other climbing aids to access archaeological sites can cause irreparable damage and it increases visitation and resulting degradation to otherwise rare and inaccessible sites. Ropes and climbing aids cause damage because climbers put them in direct contact with fragile features such as prehistoric walls and towers. For example, ropes rub against walls as climbers go up and over sites, and climbing aids such as bolts and other protection pieces cause direct damage to the rock where they are placed. Also, the use of climbing aids in general increases human contact with fragile sites and artifacts. Many otherwise inaccessible sites still retain cultural integrity and important scientific information, and the use of ropes and climbing aids to access these sites may destroy what little remains of the cultural heritage and valuable knowledge of the past. This rule would apply to all lands managed by the Monticello Field Office because of the high density of archaeological sites across the entire region. A more thorough definition of archaeological site is found in the Definitions section.

4. Proposed rule: You must not bring domestic pets or pack animals to archaeological sites.

Pets and pack animals cause damage to archaeological sites when they paw, dig in, defecate on, and trample fragile structures and artifacts. In order to promote the integrity and longevity of these sites, pets and pack animals would be prohibited. This rule would apply to all lands managed by the Monticello Field Office because of the high density of archaeological sites across the entire region. A more thorough definition of archaeological site is found in the “Definitions” section.

5. Proposed rule: You must not operate a motorized or mechanized vehicle on any route, trail, or area not designated as open to such use by a BLM sign or map.

Similar to the Moab area, mechanized and motorized travel across sensitive desert landscapes and off of established routes in the Monticello area damages scenic, cultural, soil, vegetation, and wildlife habitat resources. The proposed rules would limit these modes of travel to designated routes in order to prevent the degradation of the public land resources that draw people to area. The proliferation of user-created routes also contributes to confusion among visitors as to their location on the ground, and has contributed to more frequent search and rescue activity. This rule would apply to all lands managed by the Moab Field Office because the resources at risk of damage from vehicles are present across the entire region.

6. Proposed rule: You must not ignite or maintain a campfire in the Dark Canyon Special Recreation Management Area or White Canyon Special Recreation Management Area.

The Dark Canyon SRMA has a high density of archaeological resources and so campfires would be prohibited in order to reduce the risk of starting wildfires which can cause extensive damage to those resources. Also, by prohibiting campfires, the BLM would reduce the risk that visitors will remove ancient wood from archaeological sites for fuel. Campfires would be prohibited in the White Canyon SRMA because it is a narrow slot canyon in which burning poses significant health and safety risks. In addition, the logjams that people rely on to navigate the canyon are targeted for firewood. By prohibiting campfires in both of these SRMAs, the likelihood of wildfires would be greatly reduced, thereby providing greater protection of human safety, wildlife, livestock, public land resources, and private property.

IV. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

These proposed supplementary rules are not significant regulatory actions and are not subject to review by the Office of Management and Budget under Executive Order 12866. These proposed supplementary rules would not have an annual effect of \$100 million or more on the economy. They would not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities. These proposed supplementary rules would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The proposed supplementary rules would not materially alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients; nor does it raise novel legal or policy issues. These

supplementary rules merely establish rules of conduct for public use on a limited area of public lands.

Clarity of the Regulations

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. The BLM invites comments on how to make this supplementary rule easier to understand, including answers to questions such as the following:

1. Are the requirements in the supplementary rule clearly stated?
2. Does the supplementary rule contain technical language or jargon that interferes with their clarity?
3. Does the format of the supplementary rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce clarity?
4. Is the description of the supplementary rule in the “SUPPLEMENTARY INFORMATION” section of this preamble helpful in understanding the supplementary rule? How could this description be more helpful in making the supplementary rule easier to understand?

Please send any comments on the clarity of the rule to the address specified in the “ADDRESSES” section.

National Environmental Policy Act

These proposed supplementary rules are consistent with and necessary to properly implement decisions proposed, analyzed, and approved in the 2008 Moab and Monticello Field Office RMPs, Final EISs, and RODs. They would establish rules of conduct for public use of public lands managed by the Moab and Monticello Field Offices in order to protect public health and safety and protect natural and cultural resources on the public

lands. The approved RMPs, EISs, and RODs are available for review at the physical and on-line locations identified in the “ADDRESSES” section.

These proposed rules are a component of a larger planning process for the Moab and Monticello Field Offices (i.e., the RMPs/RODs). In developing the RMPs/RODs, the BLM prepared two Draft and Final EISs which include analysis of the proposed rules.

The Draft and Final EISs, the Proposed RMPs, and the RMPs/RODs are on file and available to the public in the BLM administrative record at the address specified under “ADDRESSES.” The documents are also online at:

http://www.blm.gov/ut/st/en/fo/moab/planning/rod_approved_rmp.html and

http://www.blm.gov/ut/st/en/fo/monticello/planning/Monticello_Resource_Management_Plan.html.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act (RFA) of 1980, as amended (5 U.S.C. 601–612) to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. These proposed supplementary rules would merely establish rules of conduct for public use on a limited area of public lands. Therefore, the BLM has determined that the proposed supplementary rules would not have a significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act

These proposed supplementary rules are not “major” as defined under 5 U.S.C. 804(2).

The proposed supplementary rules would merely establish rules of conduct for public use on a limited area of public lands and would not affect commercial or business activities of any kind.

Unfunded Mandates Reform Act

These proposed supplementary rules would not impose an unfunded mandate on State, local, or Tribal governments in the aggregate, or the private sector of more than \$100 million per year; nor would they have a significant or unique effect on small governments. The proposed supplementary rules would have no effect on governmental or Tribal entities and would impose no requirements on any of these entities. The proposed supplementary rules would merely establish rules of conduct for public use on a limited selection of public lands and would not affect tribal, commercial, or business activities of any kind. Therefore, the BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 et seq.).

Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights (Takings)

These proposed supplementary rules do not have significant takings implications, nor are they capable of interfering with Constitutionally-protected property rights. The proposed supplementary rules would merely establish rules of conduct for public use on a limited area of public lands and would not affect anyone's property rights. Therefore, the Department of the Interior has determined that these proposed supplementary rules would not cause a "taking" of private property or require preparation of a takings assessment under this Executive Order.

Executive Order 13132, Federalism

These proposed supplementary rules would not have a substantial direct effect on the States, the relationship between the Federal Government and the States, nor the distribution of power and responsibilities among the various levels of government.

These proposed supplementary rules would not conflict with any State law or regulation. Therefore, in accordance with Executive Order 13132, the BLM has determined that these supplementary rules do not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12988, Civil Justice Reform

Under Executive Order 12988, the Office of the Solicitor has determined that these proposed supplementary rules would not unduly burden the judicial system and that they meet the requirements of sections 3(a) and 3(b)(2) of the Order.

Executive Order 13175, Consultation and Coordination with Tribal Governments

In accordance with Executive Order 13175, the BLM conducted consultation and coordination with Tribal governments in the development of the RMPs which form the basis for the proposed rules.

Moab:

The proposed rules are in accordance with the issues raised in consultation with the Tribes during the RMP planning process.

As part of the RMP/EIS scoping process, by letter dated August 1, 2003, the Utah State Director initiated consultation for land use planning with 34 Tribal organizations.

Between November 2003 and May 2004, all 34 Tribal organizations were contacted to determine the need for additional or future consultation for the study areas identified in the consultation letter. Meetings were arranged when requested.

In consulting with Tribes or Tribal entities, the BLM emphasized the importance of identifying historic properties having cultural significance to Tribes (commonly referred to as Traditional Cultural Properties (TCP). The BLM held meetings with 12 Tribal organizations between December 2003 and May 2004. During these meetings, Tribal organizations were invited to be a cooperating agency in the development of the land use plan. None of the Tribal organizations requested to be a cooperating agency.

In 2006 and 2007, the Moab field office (FO) manager and archaeologist participated in a second round of meetings with the five Tribes who so requested. At these meetings, the draft RMP/EIS alternatives were discussed with special emphasis on cultural resource issues. A copy of the Moab Draft RMP/EIS was mailed in August 2007 to 12 Tribal organizations. In April 2008, the BLM extended an invitation to meet with Tribal organizations regarding the Proposed RMP/Final EIS. Two Tribes accepted this invitation.

Monticello:

The proposed rules are in accordance with the issues raised in consultation with the Tribes during the RMP planning process.

Consultations with Native Americans on the Monticello RMP began in 2003. The Draft RMP/EIS was sent to the Tribes for review and comment on November 5, 2007.

Monticello FO received comments from three tribes, the Hopi Tribe, the Navajo Nation, and the Ute Mountain Ute Tribe. Tribal concerns related to the Draft RMP/EIS were focused on the following:

1. Maintaining access for collection of plants for medicinal, spiritual, and sustenance uses.

2. Protection of the cultural resources in the Allen and Cottonwood Canyon areas which are important to the culture and history of the White Mesa Utes.
3. Allocation of sites for scientific use.
4. Ongoing consultation on selection and allocation of sites for interpretive development, educational, public, and scientific uses.
5. Inadvertent discoveries.

The BLM provided additional clarification or modifications in developing the Proposed RMP to address these concerns. None of the Tribes filed a protest.

Energy Supply, Distribution, or Use

Under Executive Order 13211, the BLM has determined that the proposed supplementary rules would not comprise a significant energy action, and that they would not have an adverse effect on energy supplies, production, or consumption.

Paperwork Reduction Act

These supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq. Federal criminal investigations or prosecutions may result from these rules, and the collection of information for these purposes is exempt from the Paperwork Reduction Act, 44 U.S.C. 3518(c)(1).

Author

The principal author of these supplementary rules is Jason Moore, Supervisory Staff Law Enforcement Ranger, Canyon Country District Office, 82 East Dogwood Avenue, Moab, Utah 84532.

V. Proposed Supplementary Rules for the BLM Moab Field Office and the Monticello Field Office

For the reasons stated in the preamble, and under the authorities for supplementary rules found at 43 U.S.C. 1740, 43 U.S.C. 315a, and 43 CFR 8365.1-6, the BLM Utah State Director is proposing the following supplementary rules:

Definitions

The following definitions apply to the supplementary rules of both the Moab Field Office and the Monticello Field Office.

Archaeological Site: Any site containing material remains of past human life or activities that are at least 100 years old and are of archaeological interest. Material remains include, but are not limited to: Structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, surface or subsurface artifact concentrations, and the physical site, location, or context in which they are found, such as alcoves and caves.

Campfire: Any outdoor fire used for warmth or cooking.

Camping: The erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel, for the apparent purpose of overnight occupancy while engaged in recreational activities such as hiking, hunting, fishing,

bicycling, sightseeing, off-road vehicle activities, or other generally recognized forms of recreation.

Climbing Aid: Climbing aids include, but are not limited to: Bolts, anchors, ascenders, rappelling devices, webbing and cord material, cams, stoppers, and other protection devices.

Colorado Riverway Special Recreation Management Area: Public land located along the Colorado River corridor from Dewey Bridge to the boundary of Canyonlands National Park. The SRMA also includes public land along Kane Creek, in Long Canyon, and along the Dolores River. Maps of the area can be viewed at the BLM Moab Field Office.

Dark Canyon Special Recreation Management Area: The Dark Canyon SRMA includes canyon rims and bottoms for Dark Canyon, Gypsum Canyon, Bowdie Canyon, Lean To Canyon, Palmer Canyon, Lost Canyon, Black Steer Canyon, Young's Canyon, and Fable Valley Canyon. Trailheads and associated parking/camping areas at these canyons are included within the SRMA boundaries.

Historic Site: Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places. The term "eligible for inclusion in the National Register of Historic Places" includes both properties formally determined as such by the Secretary of the Interior and all other properties that meet National Register of Historic Places listing criteria.

Labyrinth Rims/Gemini Bridges Special Recreation Management Area: Public land located south of the Blue Hills Road, west of Arches National Park, north of the Colorado River and Canyonlands National Park, and east of the Green River. Maps of the area can be viewed at the BLM Moab Field Office.

Mechanized Vehicle: Any device propelled solely by human power, upon which a person, or persons, may ride on land, having any wheels, with the exception of a wheelchair.

Off-Highway Vehicle: Any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, excluding: (1) Any non-amphibious registered motorboat; (2) Any military, fire, emergency, or law enforcement vehicle being used for emergency purposes; (3) Any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; (4) Vehicles in official use; and (5) Any combat or combat support vehicle when used in times of national defense emergencies.

Portable Toilet: (1) A containerized and reusable system; (2) A commercially available biodegradable system that is landfill disposable (e.g., a “WAG bag”); or (3) A toilet within a camper, trailer or motor home.

Wheelchair: Any device that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area.

White Canyon Special Recreation Management Area: The White Canyon SRMA includes canyon rims and bottoms in White Canyon as it parallels State Route 95 from Natural Bridges National Monument to Glen Canyon National Recreation Area. Trailheads and associated parking/camping areas at these canyons are included within the SRMA boundaries.

Moab Field Office

Unless otherwise authorized, on all public lands within the BLM Moab Field Office jurisdiction:

- (1) You must not burn wood pallets.
- (2) You must not camp in archaeological sites.
- (3) You must not camp in historic sites posted as closed to camping.
- (4) You must not operate a motorized or mechanized vehicle on any route, trail, or area not designated as open to such use by a BLM sign or map.

The following rules apply only to the enumerated areas:

- (5) You must not gather petrified wood in the following two areas:
 - i. The Colorado Riverway SRMA; and
 - ii. High visitation sites within the Labyrinth Rim/Gemini Bridges SRMA.
- (6) You must not possess or use glass beverage containers in the following areas:
 - i. Moab Canyon Sand Hill within Sections 20 and 21 of Township 25 South, Range 21 East, Salt Lake Meridian; and
 - ii. Powerhouse Lane Trailhead, Lower Mill Creek, and the North Fork of Mill Creek for a distance of one mile from the trailhead at Powerhouse Lane within Sections 3, 4, 5, 8, 9 and 10 of Township 26 South, Range 22 East, Salt Lake Meridian.
- (7) You must not camp at a non-designated site.
- (8) You must not ignite or maintain a campfire at a non-designated site.
- (9) You must not dispose of human waste in any other container than a portable toilet.
- (10) You must not gather wood.

Rules 7, 8, 9 and 10 apply to lands within one half mile of the following roads:

- i. Utah Highway 313;

- ii. The Island in the Sky entrance road between Utah Highway 313 and Canyonlands;
- iii. The Gemini Bridges Route (Grand County Road No. 118) and the spur route into Bride Canyon within Section 24, Township 25 South, Range 20 East, Salt Lake Meridian;
- iv. The Kane Springs Creek Canyon Rim route from U.S. Highway 191 to where it first crosses the eastern boundary of Section 20, Township 27 South, Range 22 East, Salt Lake Meridian, exclusive of the State and private land west of Blue Hill in Sections 25, 26, 35, and 36; and

Rules 7, 8, 9 and 10 also apply to:

- v. Lands within Long Canyon (Grand County Road No. 135) coincident with a portion of the Colorado Riverway SRMA and the BLM lands within Dead Horse Point State Park.
- vi. Lands along both sides of U.S. Highway 191 bounded by Arches National Park on the east, private lands in Moab Valley on the south, the Union Pacific Railroad Potash Rail Spur on the west, and private and State land near the lower Gemini Bridges Trailhead on the north.
- vii. Lands located between the upper end of the Nefertiti Rapid parking area in Section 1, Township 19 South, Range 16 East, Salt Lake Meridian, along the shoreline of the Green River on the east side of the river to Swaseys Take-Out in Section 3, Township 20 South, Range 16 East, Salt Lake Meridian. This includes all public lands between Nefertiti and Swaseys along Grand County Road No. 154.

- viii. Lands including Castle Rock, Ida Gulch, Professor Valley, Mary Jane Canyon, and the upper Onion Creek areas that are south of the Colorado Riverway SRMA, below the rims of Adobe and Fisher Mesas, and west of the private land in Fisher Valley;
- ix. Lands along the Potash Trail (Grand County Road Nos. 134 and 142, between the western end of Potash Lower Colorado River Scenic Byway (Grand County Road No. 279) and Canyonlands National Park) that are east of Canyonlands National Park, south of Dead Horse Point State Park, and other State and private lands north of the Colorado river and west of the Colorado Riverway SRMA, excluding riverside campsites accessible by water craft from the Colorado River;
- x. Lands located at the southern end of Spanish Valley located on the east and west sides of U.S. Highway 191 to the rim of the valley, south of the San Juan County line to the Kane Springs Creek Canyon Rim Road.
- xi. Lands within the Mill Creek Canyon ACEC and the Mill Creek Canyon Wilderness Study Area (WSA). Backpack-type camping within the Mill Creek Canyon ACEC and the Mill Creek Canyon WSA is allowed at sites one-quarter mile or farther from designated roads and greater than 100 feet from Mill Creek and archaeological sites.
- xii. Lands within Desert Bighorn Sheep lambing areas (46,319 acres) as shown on map 9 of the Approved Moab RMP.

Monticello Field Office

Unless otherwise authorized, on all public lands administered by the BLM Monticello FO:

- (1) You must not camp in archaeological sites.
- (2) You must not enter archaeological sites designated as closed to the public.
- (3) You must not use ropes or other climbing aids to access archaeological sites.
- (4) You must not bring domestic pets or pack animals to archaeological sites.
- (5) You must not operate a motorized or mechanized vehicle on any route, trail, or area not designated as open to such use by a BLM sign or map.
- (6) You must not ignite or maintain a campfire in the Dark Canyon SRMA or White Canyon SRMA.

Penalties

Under the Taylor Grazing Act of 1934, 43 U.S.C. 315a, any willful violation of these supplementary rules on public lands within a grazing district shall be punishable by a fine of not more than \$500 or, under Section 303(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1733(a) and 43 CFR 8360.0-7, any person who violates any of these supplementary rules on public lands within Utah may be tried before a United States Magistrate and fined no more than \$1,000, imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Exemptions

Any Federal, State, local or military persons acting within the scope of their duties; and members of an organized rescue or firefighting force in performance of an official duty.

Such violations may also be subject to the enhanced fines provided for by 18 U.S.C.

3571.

Juan Palma
Bureau of Land Management
State Director, Utah

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